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KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, OR 97204-2988

EXAMINER

PILLAI, NAMITHA

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,617

Applicant(s)

MICHELMAN ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-11, 13, 15-23, 25-33, 36-46 and 48-50 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,828,360 (Anderson et al).

Referring to claim 1, Anderson discloses a method of presenting a computer user interface for performing an action on a selected displayed item amongst a plurality of items. Anderson also discloses presenting a moveable displayed user interface element, such as the moveable menu with an area displayed within the user interface element for receiving activation. See Figure 3 and column 1, lines 12-16. Anderson discloses that responsive to detecting that the user interface is over a displayed item, selecting the displayed item (column 1, lines 28-35). Anderson also discloses receiving an activation, wherein the user chooses an operation within the user interface element and causing an action to be carried out on the selected item (column 5, lines 25-28).

Referring to claim 2, Anderson discloses that bringing attention to, wherein the selected item will be highlighted, allowing the user to select particular selectable item by bringing attention to it and hence highlighting (column 3, lines 30-31).

Referring to claim 3, Anderson discloses at least one user interface element within the moveable user interface element (Figure 3 and Figures 5).

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Referring to claim 4, Anderson discloses buttons along the curve of the moveable user interface element as seen in Figure 3 (column 5, lines 18-21).

Referring to claim 5, Anderson discloses an “undo” button, which can cancel an action and a “redo” button, which can confirm an action, as disclosed in Figure 3 (reference number 33).

Referring to claim 6, Anderson discloses through Figure 7a, buttons along the curve of the moveable user interface element and text boxes in the center of the user interface element.

Referring to claim 7, Anderson discloses that the options shown in the moveable user interface is associated with the corresponding area that is selected, thereby suggesting that the text box is updated to indicate information when it is selected and hence moved over the corresponding area (column 1, lines 12-16).

Referring to claim 8, as seen by the separate pointer cursor on top of the moveable user interface element on Figure 5a (reference number 54), Anderson does disclose a displayable pointer separate from the moveable displayed user interface element. Anderson also discusses that the movements and positions of the cursor determine the position and movement of the user interface element, thereby suggesting a dragging movement, wherein the user interface element is repositioned based on the movements of the cursor (column 6, lines 13-18).

Referring to claim 9, Anderson discloses that responsive to detecting the user interface element is over a displayed item, in a specific location selected by the user, displaying information about the displayed item, wherein the options in the menu would then be based on the item that was selected (column 3, lines 28-32).

Referring to claim 10, as seen in Figure 5a of Anderson, the information about the displayed item is displayed within the moveable user interface element.

Referring to claim 11, Figure 7a of Anderson shows further how modifications of the information can be accepted and modifying the displayed item in accordance with the accepted information, wherein in the figure, it is shown how a text font within a document can be modified. See column 6, lines 55-60.

Referring to claim 13, Anderson discloses that responsive to detecting that the user interface element over one of the displayed items, and within a selectable portion of the display, displaying properties of the displayed item, wherein the options in the menu would then be based on the item that was selected (column 3, lines 28-32).

Referring to claims 15 and 16, as seen in Figure 5a of Anderson, the description of the action is presented within the moveable user interface element and within the area within this moveable user interface element.

Referring to claim 17, Anderson as seen in Figure 7a, the description comprises a text description of the action.

Referring to claim 18, Anderson as seen in Figure 7a, discloses the "cut" description action, which represents the "delete".

Referring to claim 19, Anderson discloses that responsive to receiving the activation of the selection of an area, moving the moveable displayed user interface element along with the item (column 6, lines 13-23).

Referring to claim 20, Anderson discloses a computer user interface for performing operations on displayed items (column 1, lines 11-15). Anderson discloses receiving an

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indication that a particular function is to be performed on a displayed item, wherein the user makes an selection of selectable item in the display, and upon this indication, responding by displaying a moveable displayed user interface element for performing a particular function, chosen from the menu (column 3, lines 28-35). Anderson also discloses that responsive to the user selecting from a particular area in the display, the moveable user interface element moving to that area and selecting the item as seen of the movement changes from Figures 5a to 5b (column 6, lines 13-18). Anderson then discloses that the user receives an activation indication, wherein the user chooses an option that performs a particular function on the selected displayed item (column 5, lines 25-28).

Referring to claim 21, Anderson discloses a moveable user interface element for performing an operation on an item out of a plurality of items displayed on a display (column 1, lines 11-15), the moveable user interface operable to cause selection of the items as it is moved about the display, as seen when the element is moved from one position to another, the transition shown in Figures 5a and 5b (column 6, lines 13-18). Anderson also discloses area within this user interface element, which is designated for receiving activation from a user to initiate the operation on a selected item (Figure 7a and column 5, lines 25-28).

Referring to claim 22, Anderson discloses that the user interface element is moved and repositioned based on the movements of a cursor, thereby suggesting a dragging of the element by this cursor, which is displayed in Figure 5a, reference number 54 (column 6, lines 13-18).

Referring to claim 23, Anderson discloses that within the user interface element is an area indicating the name of the operation initiated on the selected item (Figure 3).

Referring to claim 25, Anderson discloses a separate drag area and other areas wherein the menu cannot be dragged in order for it to be displayed properly, and hence there is a separate drag area, where the user interface element can be moved to with the cursor (column 6, lines 13-23).

Referring to claim 26, Anderson discloses a list of items within a menu which represent items, such as documents that can be chosen as the objects to which the modifying is done, the menu suggesting a table format, wherein the items are displayed (column 5, lines 56-61).

Referring to claim 27, Anderson discloses an area within the user interface element, wherein a button is displayed for using for receiving an activation (reference number 31f, 31e, Figure 3).

Referring to claim 28, Anderson discloses an "undo" option in Figure 3 (reference number 33), wherein this option allows the user to cancel an operation upon activation.

Referring to claim 29, Anderson discloses an area for saving the operation upon activation, this saving suggested by the "save" option shown in Figure 3 (reference number 33).

Referring to claim 30, Anderson discloses through one example how text can be modified, this operation done through a plurality of steps, wherein various aspects of the text can be changed through several steps (Figure 3, Figure 7a and column 6, lines 55-60).

Referring to claim 31, Anderson discloses a delete operation (reference number 33, Figure 3).

Referring to claim 32, Anderson discloses providing "cut" and "paste" options, allowing for a move operation to be carried out (reference number 33, Figure 3).

Referring to claim 33, Anderson discloses a number of operations in the menu shown, wherein they are all format operations (Figure 3).

Referring to claim 36, Anderson discloses an "import" operation, which allows for information to be brought in (reference number 33, Figure 33).

Referring to claim 37, Anderson discloses through the transitions shown from the Figure 5a to 5b, wherein the user interface element to move to a displayed item neighboring a currently selected displayed item (Figure 5a and 5b).

Referring to claim 38, Anderson discloses through the transitions shown from the Figure 5a to 5b, wherein the user interface element is moved to a displayed item that is next after the current item (Figure 5a and 5b).

Referring to claim 39, Anderson discloses that as seen in the menu, which is the user interface element, a display area for presenting information about a selected item (Figure 5a and column 1, line 12-16).

Referring to claim 40, Anderson discloses that information about the selected item is editable to modify the selected item (Figure 7a and column 6, lines 55-60).

Referring to claim 41, Anderson discloses that the display area for presenting information about a selected area, the display area being the menu, which is inhibited during the movement of the user interface element (column 6, lines 18-23).

Referring to claim 42, Anderson discloses an association between the items selected and the options shown in the menu, which is the moveable user interface element, thereby updating the options displayed in the user interface element, based on the corresponding area that is selected (column 1, lines 12-16).

Referring to claim 43, Anderson discloses that the information about the selected items comprises a property of the selected item (Figure 7a and column 6, lines 57-59).

Referring to claim 44, Anderson discloses that information about the selected item comprises formatting information about the selected item (Figure 7a and column 6, lines 55-60).

Referring to claim 45, Anderson discloses that information about the selected item, in reference to the option to "send the document", wherein the item chosen which is the document, displays the name of the selected item (column 5, line 21).

Referring to claim 46, Anderson discloses a moveable user interface used to select an item, as seen in Figure 5a, displayed on the user interface when the user interface is moved over the item (column 3, lines 28-32). Anderson also discloses a display area with the name of operations and buttons for receiving an indication that the operation is to be performed on the selected item (Figure 3, Figure 5a, column 5, lines 25-28).

Referring to claim 48, Anderson discloses a means for selecting a displayed item, when a moveable displayed user interface element is moved over the displayed item (Figure 5a and column 28-35). Anderson discloses receiving an activation indication to perform an operation on the selected item, by choosing an option from the moveable menu (Figure 3 and column 5, lines 25-28).

Referring to claim 49, Anderson discloses a means for determining when a moveable user interface element is moved over a plurality of areas to select a distinct area or item, which will serve as the target for the user's requests. The regions of selectable area are associated with the targets that will be selected for the user to manipulate. See column 1, lines 12-16. Anderson also discloses a list of the plurality of displayed regions, the list being represented as a menu of

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documents from which the user can choose to manipulate that specific document (column 5, lines 56-61). Anderson also discloses acquiring target functionality represented as the properties shown in the moveable menu, wherein the functionality can be executed based on the user's actions (column 3, lines 28-32). Anderson discloses release target functionality, wherein the user interface moveable element can be moved to a neighboring item, and thereby releasing the functionality of the item selected and moving to another selected target (Figures 5a and 5b). Anderson also discloses whether the an item in the selectable region has been selected with a moveable menu displayed over it as seen in Figures 5, and further goes to execute the options associated with this selected target, and release the target once the user has moved the moveable element to the next selected item (column 6, lines 55-60 and Figures 5 and column 1, lines 12-16).

Referring to claim 50, Anderson discloses choosing a item over a plurality of items, through the manipulation of displayed moveable user interface element, as displayed in Figures 5 (column 1, lines 12-16). Anderson also discloses having a list of items, that are associated with potential targets, which can become the selected item to be modified, the list being represented as a list of choices in a menu (column 5, lines 56-61). Anderson discloses determining when the moveable user interface has been moved to a location, if a choice has not been made, consulting a list of regions to determine whether the moveable displayed item has been chosen and moved over the item to be chosen for modification (column 5, lines 55-60). Anderson discloses that upon determining the moveable item has been moved over a selected item, taking an action with respect to one of the chosen targets (column 1, lines 12-16).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12, 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson and "Information - Are You Being Served?" (Jon Crowcroft).

Referring to claim 12, Anderson discloses accepting a modification of the information, wherein the user is allowed to change components of documents as stated as examples in Anderson's disclosure (Figure 7a and column 6, lines 55-60). Anderson would need some way to process these changes such as is necessary for computer systems, wherein requests by users are processed by the computer system and then changes are made to the display based on these requests. Anderson does not clearly state sending the modification to a server computer for processing, as stated in the claims. Crowcroft teaches that in client/server systems, the changes and requests made by clients are sent to the server for processing, wherein these changes will be sent back to the client for displaying, as is the case for processing information in web pages (page 1, lines 15-17 and page 4, line 7). It would have been obvious for Anderson to learn from the reference and to further implement a client/server system such as the Internet, wherein the changes would be processed and the modifications would be sent to a server for applying these changes. Anderson discusses that the items chosen, wherein the modifications will be made to are documents, the "text" and "graphic" documents including web pages (column 1, lines 32-35). Hence, these web pages would require a client/server system as mentioned in Crowcroft, wherein

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the requests made by the user to modify the display would be sent to the server for processing. One skilled in the art, at the time of the invention, would have been motivated to learn from the reference to add on the client/server system through which the user would display the documents or the web pages.

Referring to claim 14, Anderson discloses that the items selected are documents as seen in Figures 5, and these documents can be rendered and the actions can be used to modify these pages (column 1, lines 32-35 and column 6, lines 55-60). These documents contain both graphic and text components and even shows options to "connect with another workstation", wherein the workstation is a server (Figure 7b and column 6, lines 62-64). But Anderson does not clearly state that these documents are rendered version of a web page would be stored in a server and the action modifies the information to be presented as the web page, the page being stored in a server. Crowcroft discloses a client/server system, such as the Internet, which includes web pages and web pages being stored in the server (page 4, line 7). It would have been obvious for Anderson to learn from the reference and to further implement a client/server system such as the Internet, wherein the documents and the items would be multiple web pages as displayed in Figures 5. Anderson does disclose that documents are changed and these documents would include web pages, which exist in a client/server system (column 1, lines 32-42 and Figure 5a). Hence, these web pages would require a client/server system as mentioned in Crowcroft, wherein the rendered web pages based on the requests made by the user through the menu in Figure 5a would be stored in server, as is the case for web pages in a client/server system. One skilled in the art, at the time of the invention, would have been motivated to learn from the reference to add on the client/server system through which the user would display the documents or the web

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pages and wherein the versions of the rendered web pages and the actions for modifying the web pages would be processed in the server and then stored there.

Referring to claim 24, Anderson discloses that the display includes documents, including text and graphics, wherein the user interface element which is moveable is used to select objects within these documents to be modified (column 1, lines 32-35 and column 6, lines 55-60).

Anderson does not explicitly state the presence of an Internet browser, as recited in the claims. Crowcroft discloses a client programs which access pages from the server and display them in HTML format on the Internet (page 4, line 7). It would have been obvious for one skilled in the art, at the time of the invention to learn from the reference and implement a client/server system, such as the Internet, which would include Internet browser displays. Anderson's inclusion of all documents with text and graphics does in fact include web pages. Hence, with the documents being web pages, a client/server system such as is taught by Crowcroft would be needed to carry out the invention, with the Internet browser being provided as the display for these web page documents. One skilled in the art at the time of the invention would have been motivated to learn from the reference and implement the documents through a client/server system, such as the Internet.

3. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson and "HP Announces Commerce Centre For Asia Pacific".

Referring to claim 34, Anderson does not explicitly state a "buy" operation, as recited in the claims. Anderson does state that the options are based on the item that is selected (column 1, lines 13-18). The HP commerce article teaches allowing users to carry out a transaction; wherein this transaction can only be completed after the user chooses an item (page 2, lines 6-10). It

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would have been obvious to one skilled in the art, at the time of the invention, that the user would have an operation such as buy. Based on the document and the item being selected, a user choosing an item to buy this item, as disclosed in the HP commerce article would want this operation to be an option. Hence, for user satisfaction allowing the user to have the options that they would need to buy a selected item. One skilled in the art, would have been motivated to learn from the HP commerce article and provide the options that a user may want to carry out the transactions they desire concerning a selected item, the operation thereby being a "buy" operation.

4. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson and "Microsoft Word 97 for Windows".

Referring to claim 35, Anderson does not specifically state a spellcheck operation, as recited in the claims. "Microsoft Word 97 for Windows" does disclose a menu with a spellcheck operation, required for documents with text (page 6, lines 1-5). It would have been obvious for one skilled in the art, at the time of the invention to learn from the reference and implement a spellcheck operation. As seen in "Microsoft Word 97 for Windows", the spellcheck operation is open for text documents and hence would be needed to format the documents discussed in Anderson's disclosure. One skilled in the art would have been motivated to learn from the reference and implement a spellcheck operation for formatting a document.

5. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson and "DHTML Basics".

Referring to claim 47, Anderson does not disclose using DHTML DIV element to implement the user interface element, as recited in the claims. "DHTML Basics" discloses that

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with DHTML and the DIV tags, elements within the HTML format can be dynamically manipulated (page 2, lines 21-22). It would have been obvious for one skilled in the art, at the time of the invention to learn from "DHTML Basics" and implements a means for providing dynamically rendered documents, as is the case in Anderson's disclosure, where documents are automatically rendered based on the formatting done by the user. Hence, one skilled in the art would have been motivated to learn from "DHTML Basics" to implement a means for manipulating HTML documents dynamically.

Conclusion

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach a system having a user interface element that is used to select a displayed item.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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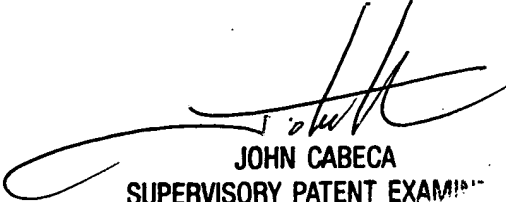
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
June 2, 2003



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100